

PESTICIDE ENFORCEMENT/COMPLIANCE ACTION SUMMARY
(PR-ENF-046, rev. 6/2001)

Routing Procedures

Note* These routing procedures replace those identified in Pesticide Enforcement Letter 98-062.

Enforcement Actions – Administrative Civil Penalties (Agricultural and Structural)

When considering violations for administrative civil penalty action, commissioners are to review key points of each case (e.g. elements of the violation, evidence, and citable sections) with their Department of Pesticide Regulation (DPR) Enforcement Branch regional office liaison.

Commissioners will continue to collaborate with regional office staff prior to sending a Notice of Proposed Action (NOPA) to the respondent. As these administrative civil penalty actions are noticed and finalized, commissioners will forward the Pesticide Enforcement/Compliance Action Summary (PR-ENF-046, Rev. 6/2001) and related documents by mail or facsimile (fax) to the regional office. The regional offices will forward PR-ENF-046 forms to headquarters for data entry.

Each DPR regional office is required to maintain hard copy files of all administrative actions for counties within its region. Thus, commissioners must send a Summary form and NOPA at the opening of each case, and a Summary form and final determination (Decision, signed Stipulation and Waiver to Order, or acknowledgement letter) at the close of each case to the appropriate DPR regional office.

*Note**

*Once the Enforcement Tracking database is completed (updated for data integration with the revised PR-ENF-046 form), those Commissioners interested will receive a copy of the Enforcement Tracking database for their respective county in which data may be directly entered. Commissioners will be able to query their portion of the database. Commissioners will submit this data (**closing data only**) to DPR on a periodic basis. However, hard copy files (as noted in the paragraph above), will still need to be sent to the appropriate DPR regional office.*

Commissioners **are not required** to submit any documents related to administrative civil penalties (agricultural or structural) to DPR's Enforcement Branch Sacramento Headquarters Office.

Regional office and commissioners' staffs will process administrative civil penalty actions according to the following procedures:

Commissioner Responsibilities:

1. ***Consult with DPR's regional office staff.*** The commissioner's staff will consult with the regional office liaison on all "moderate" and "serious" violations being considered for administrative civil penalty action (agricultural and structural).
2. ***Commissioners are to assign case numbers for all administrative civil penalty actions (agricultural and structural).***

The case number may be any county assigned number, although sequential numbers are preferred for Administrative Civil Penalties. This is a numeric field only; do NOT incorporate county names or special characters.

3. ***Submit the draft Notice of Proposed Action (NOPA) for both agricultural and structural cases by mail, fax or email to DPR's regional office staff for review.***

Draft NOPAs for "serious" and "moderate" violations are to be submitted to the appropriate DPR regional office. DPR staff are to review each NOPA and notify the Commissioner of changes or recommendations for "serious" violations within two (2) business days; for "moderate" violations within three (3) business days.

4. ***Submit all finalized NOPAs by mail or fax to the appropriate regional office with the Pesticide Enforcement/Compliance Action Summary, concurrent with sending the notice to the respondent. Emailed copies of the Summary form, and finalized NOPA will be accepted provided an electronic signature (of Commissioner, or Commissioner's representative) is included on the NOPA.***

For administrative civil penalties (agricultural and structural), the commissioner must send a copy of the signed NOPA and PR-ENF-046 form to the appropriate regional office, concurrent with the notice to the person charged.

5. ***Submit the final determination (e.g. Notice of Final Decision, signed Stipulation and Waiver to Order, or letter to respondent acknowledging receipt of payment for case) with the Pesticide Enforcement/Compliance Action Summary to the appropriate regional office. Emailed copies of the Summary form, and final determination will be accepted provided an electronic signature (of Commissioner, or Commissioner's representative) is included on the final determination document. (Stipulation and Waiver to Order must be signed by Respondent).***

Final documents along with the PR-ENF-046 form are forwarded by mail or fax to the appropriate regional office for review, filing, and submission to Sacramento headquarters for data entry.

Regional Office Responsibilities:

1. ***Consult with the commissioner.*** The regional office liaison or staff consults with the commissioner's staff on all "serious" and "moderate" violations considered for administrative civil penalty action.
2. ***Submit all administrative "serious" level NOPAs to other RegionalOffice Supervisors for review.*** Local regional office supervisor consults with other regional office supervisors for review on all "serious" level NOPAs. Local regional office staff notifies the commissioner of any changes or recommendations within two (2) business days.
3. ***Review all "moderate" administrative civil penalty NOPAs.*** Regional office staff review draft NOPAs and notify the commissioner of any changes or recommendations within three (3) business days.
4. ***Review final Pesticide Enforcement/Compliance Action Summary for proper completion.*** The regional office liaison or staff reviews each final or "closed" PR-ENF-046 for completeness and accuracy. Forms that are incomplete or have inaccurate information will be returned to commissioner for correction. Electronically submitted forms that are incomplete or inaccurate will be returned from Headquarters and the appropriate regional office staff notified.
5. ***Forward the final PR-ENF-046 forms to DPR Sacramento Headquarters.*** After review, regional office staff forwards each "final" Summary immediately to DPR headquarters for data entry.
6. ***Maintain individual administrative (agricultural and structural) civil penalty files.*** Each regional office maintains files containing documents (forms and related administrative civil penalty NOPAs, Final Decisions, signed Stipulation and Waivers, or acknowledgement letters).
7. ***Notify Commissioner of Appeals.*** When an administrative civil penalty Notice of Final Decision (NOFD) is appealed to the Director of DPR or to the Disciplinary Review Committee, DPR contacts the commissioner for case information. The commissioner sends case information to DPR's Legal Office. DPR headquarters staff notify the appropriate regional office when an appeal is filed and forward copies of the Director's Decision of Appeal to the commissioner.

Administrative Actions – All Other

For all other administrative actions (suspensions/revocations) and judicial actions, commissioners are required to complete and submit the Pesticide Enforcement/Compliance Action Summary form with Report 5 to: **Do not submit** these enforcement actions to the regional offices.

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DPR/Enforcement Branch
PO Box 4015
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Compliance Actions – All

A Commissioner has the option of completing a Pesticide Enforcement/Compliance Action Summary form for all compliance actions and attaching the form(s) to Report 5, or he/she may submit a copy of each compliance action. It is acceptable to submit these compliance actions in combination, i.e. hard copy and forms. Please submit all compliance actions (forms or copy) with Report 5 to:

Pam Burchard, at the address above.

Do not submit compliance actions to the regional offices.

Enforcement Action Review:

Commissioners that do not have a copy of the DPR Enforcement Tracking database for their county will be provided a computer printout of their enforcement actions on a periodic basis for review purposes.

Commissioners that have a copy of their county's portion of the Enforcement Tracking database will be able to use established queries, or develop their own queries of the database. Corrections can be sent to DPR HQ to update the master database.

Each DPR Regional Office will be provided a copy of the Enforcement Tracking database of enforcement actions for the counties within that region; staff may be asked to review information for data validation periodically.

Compliance Action Review:

The Compliance Action database is still under development. Additional information and guidelines will be provided via Enforcement Letters.